

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
25 September 2003 (25.09.2003)

PCT

(10) International Publication Number
WO 03/077749 A2

(51) International Patent Classification⁷: **A61B 5/00**

(74) Agents: **VINCENT, Matthew, P. et al.**; Ropes & Gray,
One International Place, Boston, MA 02110-2624 (US).

(21) International Application Number: **PCT/US03/07596**

(22) International Filing Date: **11 March 2003 (11.03.2003)**

(25) Filing Language: **English**

(26) Publication Language: **English**

(30) Priority Data:
60/363,413 **12 March 2002 (12.03.2002)** **US**

(71) Applicant (for all designated States except US): **BETH ISRAEL DEACONESS MEDICAL CENTER [US/US];**
330 Brookline Avenue, Boston, MA 02215 (US).

(72) Inventor; and

(75) Inventor/Applicant (for US only): **FRANGIONI, John, V. [US/US];** 34 Wayland Hills Road, Wayland, MA 01778 (US).

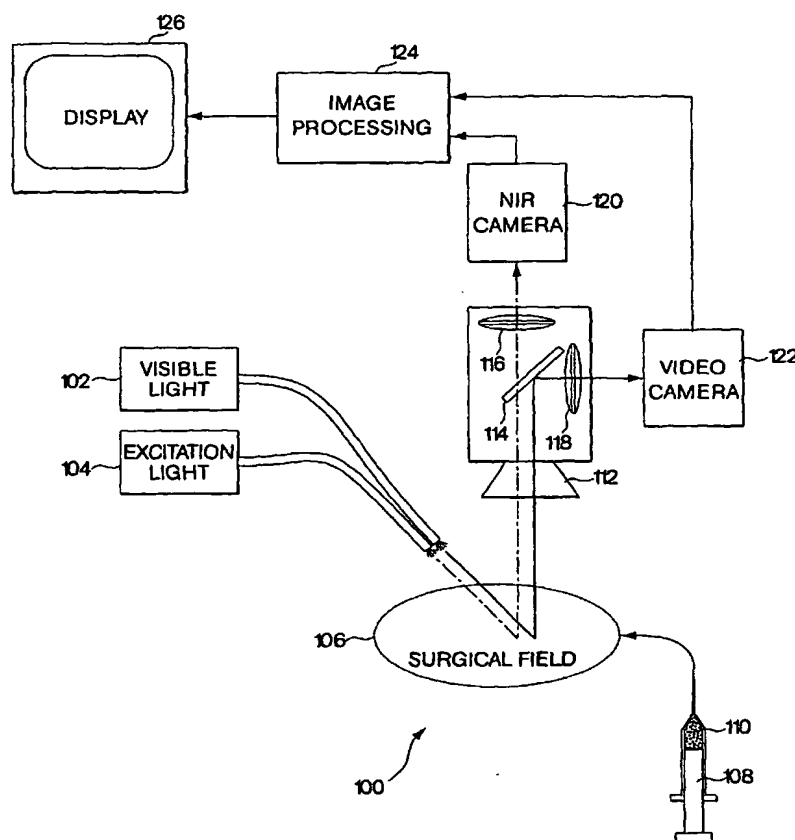
(81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

[Continued on next page]

(54) Title: **MEDICAL IMAGING SYSTEMS**

(57) Abstract:



BEST AVAILABLE COPY

WO 03/077749 A2

WO 03/077749 A2



Published:

— with declaration under Article 17(2)(a); without abstract;
title not checked by the International Searching Authority

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL ~~WIP~~ SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference BIDM-PWO-012	IMPORTANT DECLARATION	Date of mailing(day/month/year) 02/07/2003
International application No. PCT/US 03/ 07596	International filing date(day/month/year) 11/03/2003	(Earliest) Priority date(day/month/year) 12/03/2002
International Patent Classification (IPC) or both national classification and IPC A61B5/00		
Applicant BETH ISRAEL DEACONESS MEDICAL CENTER		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☐ the description
☒ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
 ☐ the computer readable form has not been furnished or does not comply with the standard.
4. Further comments:

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Lucia Ertl
--	---

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

In view of the large number of independent system and method claims presently on file, which render it difficult, if not impossible, to determine the matter for which protection is sought, the present application fails to comply with the conciseness requirements of Article 6 PCT (see also Rule 6.1(a) PCT) to such an extent that a meaningful search is impossible.

In particular, some features defined in independent system claims 1-4 and 32 relate to entirely different aspects (cf. 'optical guide', 'filter', 'fluorescent substance', 'display', 'operating area'), thereby not allowing to correctly identify "the claimed invention" on which an opinion should be based in the sense of Article 33(1) PCT.

Consequently, no search report can be established for the present application.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.